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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John S. Miller

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EXAMINER

LIU, ERIC

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,836	<b>Applicant(s)</b> MILLER ET AL.	
	<b>Examiner</b> Eric Liou	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 22-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group I, claims 1-21, without traverse in the reply filed on 8/6/07 is acknowledged.
2. Claims 22-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Canada 3000 Offers A Cajun Experience", The Toronto Star, March 18, 2000, Edition 1 [hereinafter Canada], in view of Walker et al., U.S. Patent No. 6,112,185.
5. **As per claim 1**, Canada discloses a method for use by an information assistance provider for providing services to a user based on a profile record associated with the user, comprising:  
defining a family of service features (Canada: Section A, "seats", "food service", and "entertainment"), a first service feature in the family assuming a first preference value (Canada: Section A, The coach section has average sized seats (first preference value)), and a second service feature in the family assuming a second preference value (Canada: Section A, "food"; The coach section has average food service (second preference value));

associating a third preference value for the first service feature with a fourth preference value for the second service feature (Canada: Section A; The first class section has wider seats with 17.5 centimetres more leg room (third preference value). The first class section has better food service (fourth preference value). The third and fourth preference values are associated with the first class section.);

6. Canada does not disclose a profile record; receiving a call from a user, the call including a request for changing the first preference value for the first service feature to the third preference value therefor; in response to the request, automatically changing the second preference value for the second service feature in the profile record to the fourth preference value, associated with the third preference value to which the first preference value for the first service feature in the profile record is changed; and providing to the user a service involving at least the second service feature, the service being provided based on the fourth preference value for the second service feature in the profile record.

7. Walker discloses a profile record (Walker: Figure 5);

receiving a call from a user, the call including a request for changing the first preference value for the first service feature to the third preference value therefor (Walker: col. 2, lines 58-61; col. 4, lines 10-15; The user submits offers requesting an upgrade, i.e. change from average sized seats (coach section) to wider seats with more legroom (first class seats));

in response to the request, automatically changing the second preference value for the second service feature in the profile record to the fourth preference value, associated with the third preference value to which the first preference value for the first service feature in the profile record is changed (Walker: col. 2, lines 58-61; col. 4, lines 10-15; col. 11, lines 37-43; The

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Examiner notes, one skilled in the art would recognize that an upgrade in seating class would result in the automatic change of multiple service features, i.e. a switch from coach to first class would result in larger seats, better food service, and improved entertainment. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein.); and

providing to the user a service involving at least the second service feature, the service being provided based on the fourth preference value for the second service feature in the profile record (Walker: Figure 5; col. 3, lines 37-41; acceptance of a pending upgrade offer).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada to have included receiving a call from a user, the call including a request for changing the first preference value for the first service feature to the third preference value therefor; in response to the request, automatically changing the second preference value for the second service feature in the profile record to the fourth preference value, associated with the third preference value to which the first preference value for the first service feature in the profile record is changed; and providing to the user a service involving at least the second service feature, the service being provided based on the fourth preference value for the second service feature in the profile record as disclosed by Walker for the advantage of allowing customers to change their preferences to better suit their needs.

9. **As per claim 2**, Canada in view of Walker discloses the method of claim 1 as described above. Canada further discloses wherein the third and fourth preference values are the same value (Canada: Section A; The third and fourth preference values both correspond to the first class section.).

10. **As per claim 7**, Canada in view of Walker discloses the method of claim 1 as described above. Canada does not disclose wherein the information assistance provider includes an operator.

11. Walker discloses wherein the information assistance provider includes an operator (Walker: Figure 1, "120"; col. 4, lines 51-58).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the information assistance provider includes an operator as disclosed by Walker for the advantage of providing assistance to a user when necessary.

13. **As per claim 9**, Canada in view of Walker discloses the method of claim 1 as described above. Canada does not disclose wherein the service includes making a reservation for the user.

14. Walker discloses wherein the service includes making a reservation for the user (Walker: Figure 5, "500").

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the service includes making a reservation for the user as disclosed by Walker for the advantage of assisting a customer with his/her travel planning.

16. Claims 3-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Canada 3000 Offers A Cajun Experience”, The Toronto Star, March 18, 2000, Edition 1 [hereinafter Canada], in view of Walker et al., U.S. Patent No. 6,112,185 and further in view of Tagawa, U.S. Patent No., 5,732,398.

17. **As per claim 3**, Canada in view of Walker discloses the method of claim 1 as described above. Canada in view of Walker does not disclose wherein the first preference value for the first service feature is a default value selected from predetermined sources having relative priorities.

18. Tagawa discloses selecting a vendor based on a predetermined priority system if the user does not specify a preference (Tagawa: col. 13, lines 56-60).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the first preference value for the first service feature is a default value selected from predetermined sources having relative priorities as disclosed by Tagawa for the advantage of making the information assistance method more efficient by selecting values for a user when no preference is specified.

20. **As per claim 4**, Canada in view of Walker and further in view of Tagawa discloses the method of claim 3 as described above. Canada in view of Walker does not disclose wherein the relative priorities are expressed in a hierarchical structure.

21. Tagawa discloses wherein the relative priorities are expressed in a hierarchical structure (Tagawa: col. 13, lines 56-60; The Examiner notes, a predetermined priority system suggests ranking items and therefore a hierarchical structure is present.).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker and further in view of Tagawa to have included wherein the relative priorities are expressed in a hierarchical structure as disclosed by Tagawa for the advantage of organizing data based on a criteria.

23. **As per claim 5**, Canada in view of Walker and further in view of Tagawa discloses the method of claim 3 as described above. Canada does not disclose wherein one of the predetermined sources includes the information assistance provider.

24. Walker further discloses wherein one of the predetermined sources includes the information assistance provider (Walker: Figure 1, "120").

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker and further in view of Tagawa to have included wherein one of the predetermined sources includes the information assistance provider as disclosed by Walker for the advantage of providing a user with information regarding a desired service.

26. **As per claim 6**, Canada in view of Walker and further in view of Tagawa discloses the method of claim 3 as described above. Canada in view of Walker does not disclose wherein one of the predetermined sources includes a carrier providing a telephone service to the user.

27. Tagawa further discloses wherein one of the predetermined sources includes a carrier providing a telephone service to the user (Tagawa: Figure 1, "34"; col. 8, lines 42-47).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker and further in view of Tagawa to have included wherein one of the predetermined sources includes a carrier providing a



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telephone service to the user as disclosed by Tagawa for the advantage facilitating communications between the user and the information service provider.

29. **As per claims 16-18**, Canada in view of Walker discloses the method of claim 1 as described above. Canada in view of Walker does not disclose wherein the family of service features are defined based on an attribute, habit, and lifestyle of the user.

30. Tagawa discloses wherein the family of service features is defined based on an attribute, habit, and lifestyle of the user (Tagawa: col. 2, lines 52-57).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the family of service features are defined based on an attribute, habit, and lifestyle of the user as disclosed by Tagawa for the advantage of customizing a reservation to better fit a traveler's needs.

32. Claim 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Canada 3000 Offers A Cajun Experience", The Toronto Star, March 18, 2000, Edition 1 [hereinafter Canada], in view of Walker et al., U.S. Patent No. 6,112,185 and further in view of Powell et al., U.S. Publication No. 2002/0154748.

33. **As per claim 8**, Canada in view of Walker discloses the method of claim 1 as described above. Canada in view of Walker does not disclose wherein the information assistance provider includes a voice server.

34. Powell discloses wherein the information assistance provider includes a voice server (Powell: paragraph 0020; 0032; 0042; 0044; 0050).

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35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the information assistance provider includes a voice server as disclosed by Powell for the advantage of facilitating communications between two parties.

36. **As per claim 19**, Canada in view of Walker discloses the method of claim 1 as described above. Canada in view of Walker does not disclose the profile record is associated with an automatic number identification (ANI) derived from the call.

37. Powell discloses the profile record is associated with an automatic number identification (ANI) derived from the call (Powell: paragraphs 0006; 0036; 0055).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included the profile record is associated with an automatic number identification (ANI) derived from the call as disclosed by Powell for the advantage of retrieving a caller's telephone number (Powell: paragraph 0006).

39. Claims 10-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Canada 3000 Offers A Cajun Experience", The Toronto Star, March 18, 2000, Edition 1 [hereinafter Canada], in view of Walker et al., U.S. Patent No. 6,112,185 and further in view of Udelhoven et al., U.S. Publication No. 2002/0077871.

40. **As per claim 10**, Canada in view of Walker discloses the method of claim 9 as described above. Canada in view of Walker does not disclose wherein the reservation includes a hotel reservation.

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41. Udelhoven discloses wherein the reservation includes a hotel reservation (Udelhoven: paragraphs 0009; 0018; 0110-0115).

42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the reservation includes a hotel reservation as disclosed by Udelhoven for the advantage of making reservations for all aspects of a trip.

43. **As per claim 11**, Canada in view of Walker and further in view of Udelhoven discloses the method of claim 10 as described above. Canada in view of Walker does not disclose wherein the second service feature includes a bed size.

44. Udelhoven discloses a user selecting a bed preference (Udelhoven: Figure 8B, “bed preference”)

45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker and further in view of Udelhoven to have included wherein the second service feature includes a bed size as disclosed by Udelhoven for the advantage of customizing a reservation to better suit the traveler’s needs.

46. **As per claim 12**, Canada in view of Walker and further in view of Udelhoven discloses the method of claim 10 as described above. Canada in view of Walker does not disclose wherein the second service feature includes a smoking preference.

47. Udelhoven discloses a user selecting a smoking preference (Udelhoven: Figure 8B, “smoking preference”; paragraph 0113).

48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker and further in view of

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Udelhoven to have included wherein the second service feature includes a smoking preference as disclosed by Udelhoven for the advantage of customizing a reservation to better suit the traveler's needs.

49. **As per claim 13**, Canada in view of Walker discloses the method of claim 9 as described above. Canada in view of Walker does not disclose wherein the reservation includes a vehicle reservation.

50. Udelhoven discloses wherein the reservation includes a vehicle reservation (Udelhoven: paragraphs 0009; 0017; 0054; 0103-0109).

51. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the reservation includes a vehicle reservation as disclosed by Udelhoven for the advantage of making reservations for all aspects of a trip.

52. **As per claim 14**, Canada in view of Walker and further in view of Udelhoven discloses the method of claim 13 as described above. Canada in view of Walker does not disclose wherein the second service feature includes a vehicle size.

53. Udelhoven discloses a user selecting a vehicle size (Udelhoven: Figure 5E; Figure 7A; Figure 7C, "class" and "type").

54. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker and further in view of Udelhoven to have included wherein the second service feature includes a vehicle size as disclosed by Udelhoven for the advantage of customizing a reservation to better suit the traveler's needs.

55. **As per claim 15**, Canada in view of Walker and further in view of Udelhoven discloses the method of claim 13 as described above. Canada in view of Walker does not disclose wherein the second service feature includes a smoking preference.

56. Udelhoven discloses a user selecting a smoking preference (Udelhoven: Figure 8B, “smoking preference”; paragraph 0113).

57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker and further in view of Udelhoven to have included wherein the second service feature includes a smoking preference as disclosed by Udelhoven for the advantage of customizing a reservation to better suit the traveler’s needs.

58. **As per claim 20**, Canada in view of Walker discloses the method of claim 1 as described above. Canada in view of Walker does not disclose wherein the profile record comprises at least one preference pertaining to a restaurant feature.

59. Udelhoven discloses wherein the profile record comprises at least one preference pertaining to a restaurant feature (Udelhoven: paragraph 0043).

60. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the profile record comprises at least one preference pertaining to a restaurant feature as disclosed by Udelhoven for the advantage of making reservations for all aspects of a trip.

61. **As per claim 21**, Canada in view of Walker discloses the method of claim 1 as described above. Canada in view of Walker does not disclose wherein the profile record comprises at least one preference pertaining to an entertainment.

62. Udelhoven discloses wherein the profile record comprises at least one preference pertaining to an entertainment. (Udelhoven: paragraph 0043, "golf tee times").

63. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Canada in view of Walker to have included wherein the profile record comprises at least one preference pertaining to an entertainment as disclosed by Udelhoven for the advantage of making reservations for all aspects of a trip.

### *Conclusion*

64. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dombroski et al., U.S. Publication No. 2003/0023463.

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

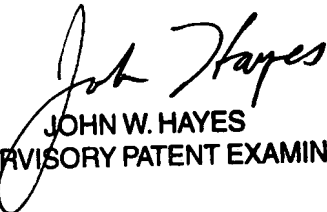
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL

  
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